

Before the
Federal Communication Commission
One-day public field hearing
Richmond Convention Center
Ballroom Building, Level 1, Meeting Room 15AB
403 N. Third Street
Richmond, Virginia

In the Matters of

Cross-Ownership of Broadcast Stations and Newspapers) MM Docket No.
01-235

Newspaper/Radio Cross-Ownership Waiver Policy) MM Docket No. 96-197

Introduction

The Federal Communications Commission has initiated Notice Of Proposed Rule Making, and this one-day public field hearing, to give the general public an opportunity to voice its opinions about broadcast ownership rules. The Commission has asked commenters to provide specific information about the effects of media combinations in their markets.

Public-spirited groups and individuals often cannot muster sufficient resources to conduct even limited monitoring of program content. The laborious perusal of documentary evidence will likely be the main barrier to those who argue for the public interest.

Consequently the FCC has a duty to conduct an objective investigation into complaints from the public, because the FCC can use governmental powers and subpoenas to obtain information not available to the general public. An FCC policy that shifts the burden of proof as spelled out in Office of Communication of United Church of Christ v. FCC No. 19,409, D.C. Cir. June 20, 1965 would give the public a real opportunity to be heard. Government risks suffering from public apathy and lack of public support when it is perceived to listen only to the rich and powerful.

The Telecommunication Act of 1996 instructed the Commission to revise particular ownership rules and waiver policies, but the newspaper/broadcast cross-ownership rule and waiver policies were not among those to be considered. Legislative history of this act shows Congress considered and rejected making changes to the newspaper/broadcast cross-ownership policies.#

The Supreme Court has upheld the newspaper/broadcast ownership rule against a challenge in FCC v. National Citizens Comm. for Broadcasting 436 U.S. 775796 (1978) (NCCB) finding that diversification of ownership would enhance the possibility of achieving greater diversity of viewpoints.

The dual goals of diversity and competition will not be served by repeal of the newspaper/broadcast cross-ownership rules.

Specific Information

Rumors of the elimination of the Newspaper/Broadcast cross-ownership rule have already led to proposed sales of radio stations. Bonneville International Corporation has announced its intention to buy 15 radio stations from Simmons

Media Group, because according to its web site, Bonneville believes "the FCC will eliminate the rule." That web site also boasts it "is the 12th-largest radio operator in the country, based on audience reach and revenues."

Bonneville is the media arm of the Church of Jesus Christ of Latter Day Saints, aka the Mormon Church. In northern Utah (the Salt Lake Metro area) the Mormon Church already owns KSL-TV and KSL-AM. It also owns educational TV and radio stations, and interests in cable TV. It even has its own cable TV channel. The Church also owns the Deseret News, a Salt Lake daily newspaper, and has veto power over who can own the other daily, the Salt Lake Tribune, although this ownership is still an issue in federal court. The Deseret News and the Salt Lake Tribune do business under a joint operating agreement.

The sale of Simmons Radio Stations to Bonneville would give the Mormon Church three of the five top-rated radio stations in northern Utah.

In southern Utah the Mormon Church owns KCSG-TV channel 14 in Cedar City and St. George, Utah, and the sale would give the Church two AM and two FM stations in this small community.

In Idaho the Mormon Church operates two FM stations in Rexburg through its BYU-Idaho campus. KBYI FM 100.5 broadcasts at a power of 100,000 watts to southeastern Idaho. KBYR FM 95.5 provides round-the-clock programming that, according to its web site, is a pleasant mix of over 1500 songs, devotionals, General Conference reports, talks from Educational Week, and symposia sponsored by BYU and BYU-Idaho. The site reports that listeners are offered a safe haven with uplifting music and messages of hope and inspiration.

The Simmons-Bonneville sale would give the Mormon Church five new FM stations and three AM stations in this small southeastern Idaho community.

The people of Utah and Idaho have a right to be protected from a degree of media concentration that is repugnant to antitrust principles and inconsistent with the 1996 Communication Act's goal of providing for the expression of diverse views.

In *Red Lion Broadcasting Co. v. FCC* (395 U.S. 367, 390, (1969)) it states:

"It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by government itself or a private licensee ... it is the right of the public to receive suitable access to social, political, aesthetic, moral and other ideas and experiences which is crucial here."

Many Utahns and Idahoans are concerned that Mormon Church media are used to propagate religion and protect it from outside scrutiny by exerting undue influence on matters of public importance. We no longer have a "Fairness Doctrine", and what scares some non-Mormons is not that Mormons have a voice, but that they might be the only voice allowed to be aired.

Past experiences with Mormon Media have led many to be wary. After all, this is the Church that bought "historical documents" from notorious forger/bomber Mark Hoffman, to keep them out of public view. Then KSL-AM aired a groundless story that Gary Sheets, husband of one of the bombing victims, was having marital problems, misleading the public into thinking Sheets and not the Church, had something to do with the bombings.

KSL-TV also aired a groundless story about financial problems at Foothill Financial that created a run on its assets and led to its closing.

Given a consistent pattern of KSL-TV censoring programs, including refusing to air Saturday Night Live and taking the Jay Leno Show off the air for one night because of content, why would the FCC want to eliminate a rule which could protect Utah and Idaho citizens from being unable to receive diverse views?

Congress and the Courts have not given the FCC guidance to change the cross-ownership rule. The FCC should wait to change the anti-monopoly rules until it can be seen that governmental countenance of monopolization will not result in the failure of a free market of ideas. Preservation of our free market of ideas is essential to American Democracy, and should be our primary concern.

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